

DANIEL UMPA, on behalf of himself and
all others similarly situated,

Plaintiff,

V.

THE NATIONAL ASSOCIATION OF
REALTORS, et al.,

Defendants.

Case No. 4:23-cv-00945-SRB

Judge Stephen R. Bough

Oral Argument Requested

**MOTION OF AT WORLD PROPERTIES, LLC TO DISMISS PLAINTIFF'S
COMPLAINT PURSUANT TO RULES 12(B)(2) AND 12(B)(6)**

Pursuant to Rules 12(b)(2) and 12(b)(6) Federal Rules of Civil Procedure, and in accordance with the scheduling Order of this Court, Defendant At World Properties, LLC, (“@properties”), by its attorneys, moves to be dismissed from this action for lack of personal jurisdiction and, alternatively, to dismiss the Complaint for failure to state a cause of action. This Court lacks personal jurisdiction over @properties both under the Missouri long-arm statute, Mo. Rev. Stat. § 506.500, and under Section 12 of the Clayton Act, 15 U.S.C. § 22. Alternatively, Plaintiff’s claim against @properties should be dismissed under Rule 12(b)(6) because: (a) Plaintiff fails to state a plausible claim against @properties as his allegations are limited to impermissible group pleading and the sole @properties-specific allegation is contradicted by the document Plaintiff relies upon; and (b) @properties is not a party to the sole agreement that purportedly links @properties to the alleged conspiracy.

In support of this motion, @properties relies on (a) the Suggestions submitted in support of its Suggestions that are being filed concurrently with this motion; (b) the Declaration of John D'Ambrogio being submitted with those Suggestions; and (c) the arguments set forth in the

forthcoming Corporate Defendants' Suggestions in Support of Defendants' Joint Motion to Dismiss pursuant to Federal Rule Civil Procedure 12(b)(6). In addition, @properties relies on the pleadings and records on file with this Court and such argument as may be presented at any hearing on this motion.

Dated: February 26, 2024

Respectfully submitted,

COOLING & HERBERS, P.C.

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Attorneys for At World Properties, LLC

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on February 26, 2024, the foregoing **MOTION OF AT WORLD PROPERTIES, LLC TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO RULES 12(B)(2) AND 12(B)(6)** was electronically filed with the Clerk of the Court by utilizing the CM/ECF System, which will provide electronic notification to all counsel of record.

/s// Elizabeth A. Vasseur-Browne
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